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Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1, 4, 8 and 9 were rejected under 35 USC 101 for allegedly being directed to non-statutory subject matter. Claims 1, 4, 8 and 9 were rejected under 35 USC 102(b) as being anticipated by Rakavy et al. USPN 5,913,040. Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Rakavy et al. in view of Smith USPN 6,615,248.

Claim 1 has been amended to recite "allowing the user to create an advertisement window in which advertisements are displayed on a display device, by allowing the user to define at least one of: the size of the advertisement window, the shape of the advertisement window, or the position of the advertisement window." Support for this amendment may be found at page 9 lines 4-12 of the specification. New Claim 32 has been submitted herewith. Support for new Claim 32 may be found at page 9 lines 4-12 of the specification.

The rejection of Claims 1, 4, 8 and 9 under 35 USC 101 has been obviated by the addition of the phrase "display device" to Claim 1 and by the amendment to the preamble, specifying embodiment on a tangible computer readable medium.

In addressing the rejection under 35 USC 102(b), the allegation that the limitation of Claim 1 of allowing a user to create an advertising window is taught by Rakavy at col. 9, lines 15-50 appears to be incorrect. The examiner specifically cited the portion in Rakavy which indicates that the user preference

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information includes "Whether wallpaper or cursor advertisements are allowed." This means that the user simply is able to decide whether wallpaper or cursor advertisements are present or not, which says nothing about "creating an advertisement window". Creating an advertisement window implies more than just allowing something to be present or not. Indeed, as amended, Claim 1 recites that the user is allowed to define particular characteristics of the window, such as the "size", "shape", or "position" of the window. In contrast, in Rakavy, the user is not allowed to "create" a window or define its size, shape or position, but is merely permitted to allow, or disallow, wallpaper or cursor ads with some **predetermined** characteristics. The rejection is overcome.

Regarding the rejection under 35 USC 103(b), Claim 10, which is dependent on Claim 1, is patentable for the above-discussed reasons.

New Claim 32, dependent on Claim 1, is patentable over Rakavy for the above-discussed reasons. Further, Claim 32 recites that the user is allowed to "create multiple advertisement windows for display simultaneously on the display device." There is no such teaching in any of the relied-upon references.

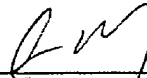
The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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